

SENATE BILL REPORT

SB 5846

As of February 26, 2009

Title: An act relating to covering vehicular loads of dirt, sand, and gravel.

Brief Description: Addressing the covering of vehicular loads.

Sponsors: Senators Tom, Kohl-Welles and McDermott.

Brief History:

Committee Activity: Transportation: 2/25/09.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Natalie Zukowski (786-7307)

Background: Under current law, a vehicle operating on a paved public highway with a load of dirt, sand, or gravel must be covered to prevent spillage. However, loads are exempt from the cover requirement if six inches of freeboard is maintained within the bed. A violation of the covered load provision is a traffic infraction, punishable by a monetary penalty of \$216.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): Any vehicle with a model year of 2011 or later, with a gross weight of 10,000 pounds or more, must cover all loads of dirt, sand, or gravel with a permanently affixed load covering device when traveling on a public highway. Exemptions for vehicles from covering loads of dirt, sand, or gravel are in response to emergency conditions such as natural disasters; when a road is closed for repair or emergency purposes; or dropping sand or de-icer for traction when instructed by state or local authorities.

A violation is a traffic infraction, punishable by a monetary penalty of \$216. If the violation occurs in the course of a person's employment, the person's employer will be charged a monetary penalty of \$1,000. The employer will not be charged a monetary penalty if the vehicle, prior to the violation, was equipped with a covering device and the person operating the vehicle failed to engage the cover when hauling a load on a public highway.

The six inch freeboard exception is eliminated January 1, 2014.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Section 1 of this bill expires January 1, 2014.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except Section 2 of this bill which takes effect January 1, 2014.

Staff Summary of Public Testimony: PRO: The covered loads issue has been around for a long time and this is an agreeable solution to most stakeholders. Some companies are already covering all of their loads with automatic or manual covers.

OTHER: There are concerns that the gross weight is too small; being penalized if a tarp is damaged and someone could not adequately cover their load; and the penalty for the driver and the employers should be uniform.

Persons Testifying: PRO: Bruce Chattin, Washington Aggregate and Concrete; Rico Baroga, Washington State Department of Transportation; Scott Hazelgrove, CADMAN.

OTHER: Rick Slunaker, Association of General Contractors.